

1954

May 20

Mr. Carlton C. Buckman, Chairman,
State Athletic Commission
Keene, New Hampshire

Dear Mr. Buckman:

You have inquired by your letter of May 19, 1954, to Mr. Waters whether your Commission may waive the bond requirements in a case where the licensee applicant to conduct a wrestling exhibition is a municipality. It is my opinion that this requirement may not be waived.

R.L. c. 172 s. 9 authorizes your Commission to make such rules and regulations as it deems necessary, not inconsistent with the provisions of said chapter 172, for the conduct of athletic exhibitions, which shall be approved by the Governor and Council. Pursuant to this authority Rule II has been made, and I assume approved by Governor and Council, wherein an association licensed to conduct wrestling exhibitions is required to file a bond running to The State of New Hampshire conditioned upon compliance with the provisions of said chapter 172 and the rules and regulations of the Commission and the fulfillment of all financial obligations.

It is nowhere provided in said chapter 172 that an exception may be made by the Commission of any rule enacted by it and approved by Governor and Council. Nor is it provided by rule that any exceptions may be made to the bond requirement. Without such authority a waiver granted by the Commission from the bond requirement would be improper. An exception to Rule 3 could properly be made by amendment so as to apply to municipal corporations, but would have to apply uniformly to the class excepted so as to avoid any arbitrariness with respect to those required to furnish bond.

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Mr. Carlton O. Duckman, Chairman

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You inquire whether we would suggest that such a provision be made. This is an administrative decision to be made by the Commission. If it is deemed that such is necessary, I should be pleased to assist in the drafting.

Very truly yours,

Richard G. Duncan
Assistant Attorney General

RCD:RP